

By: Seliger

S.B. No. 379

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of end-of-course assessment  
3 instruments in public schools at certain grade levels.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 18.006(b), Education Code, is amended to  
6 read as follows:

7 (b) In addition to other factors determined to be  
8 appropriate by the commissioner, the accountability system must  
9 include consideration of:

10 (1) student performance on the end-of-course  
11 [~~secondary exit-level~~] assessment instruments required by Section  
12 39.023(c); and

13 (2) dropout rates, including dropout rates and diploma  
14 program completion rates for the grade levels served by the diploma  
15 program.

16 SECTION 2. Section 25.005(b), Education Code, is amended to  
17 read as follows:

18 (b) A reciprocity agreement must:

19 (1) address procedures for:

20 (A) transferring student records;

21 (B) awarding credit for completed course work;

22 and

23 (C) permitting a student to satisfy the  
24 requirements of Section 39.025 through successful performance on

1 comparable end-of-course or other exit-level assessment  
2 instruments administered in another state; and

3 (2) include appropriate criteria developed by the  
4 agency.

5 SECTION 3. Section 29.081(b), Education Code, is amended to  
6 read as follows:

7 (b) Each district shall provide accelerated instruction to  
8 a student enrolled in the district who has taken an end-of-course  
9 ~~[the secondary exit-level]~~ assessment instrument administered  
10 under Section 39.023(c) and has not performed satisfactorily on the  
11 assessment instrument ~~[each section]~~ or who is at risk of dropping  
12 out of school.

13 SECTION 4. Section 29.087(f), Education Code, as amended by  
14 Chapters 283 and 373, Acts of the 78th Legislature, Regular  
15 Session, 2003, is reenacted and amended to read as follows:

16 (f) A student participating in a program authorized by this  
17 section, other than a student ordered to participate under  
18 Subsection (d)(1), must have taken the appropriate end-of-course  
19 assessment instruments under ~~[specified by]~~ Section 39.023(c) for  
20 courses in which the student has enrolled ~~[39.023(a) for grade 9]~~  
21 before entering the program and must take each appropriate  
22 end-of-course ~~[grade level]~~ assessment instrument administered for  
23 courses in which the student is enrolled during the period in which  
24 the student is enrolled in the program. Except for a student ordered  
25 to participate under Subsection (d)(1), a student participating in  
26 the program may not take the high school equivalency examination  
27 unless the student has taken the assessment instruments required by

1 this subsection.

2 SECTION 5. Section 30.021(e), Education Code, is amended to  
3 read as follows:

4 (e) The school shall cooperate with public and private  
5 agencies and organizations serving students and other persons with  
6 visual impairments in the planning, development, and  
7 implementation of effective educational and rehabilitative service  
8 delivery systems associated with educating students with visual  
9 impairments. To maximize and make efficient use of state  
10 facilities, funding, and resources, the services provided in this  
11 area may include conducting a cooperative program with other  
12 agencies to serve students who have graduated from high school by  
13 completing all academic requirements applicable to students in  
14 regular education, excluding satisfactory performance under  
15 Section 39.025 [~~on the exit-level assessment instrument~~], who are  
16 younger than 22 years of age on September 1 of the school year and  
17 who have identified needs related to vocational training,  
18 independent living skills, orientation and mobility, social and  
19 leisure skills, compensatory skills, or remedial academic skills.

20 SECTION 6. Section 39.023, Education Code, is amended by  
21 amending Subsections (a) and (c) and adding Subsection (c-1) to  
22 read as follows:

23 (a) The agency shall adopt or develop appropriate  
24 criterion-referenced assessment instruments designed to assess  
25 essential knowledge and skills in reading, writing, mathematics,  
26 social studies, and science. All students, except students  
27 assessed under Subsection (b) or (l) or exempted under Section

1 39.027, shall be assessed in:

2 (1) mathematics, annually in grades three through  
3 eight [~~seven~~] without the aid of technology [~~and in grades eight~~  
4 ~~through 11 with the aid of technology on any assessment instruments~~  
5 ~~that include algebra~~];

6 (2) reading, annually in grades three through eight  
7 [~~nine~~];

8 (3) writing, including spelling and grammar, in grades  
9 four and seven;

10 (4) [~~English language arts, in grade 10,~~  
11 [~~5~~] social studies, in grade [~~grades~~] eight [~~and~~  
12 ~~10~~];

13 (5) [~~6~~] science, in grades five and [~~7~~] eight [~~and~~  
14 ~~10~~]; and

15 (6) [~~7~~] any other subject and grade required by  
16 federal law.

17 (c) The agency shall also adopt end-of-course [~~secondary~~  
18 ~~exit-level~~] assessment instruments for each course offered at or  
19 above the grade nine level that is a part of the foundation  
20 curriculum under Section 28.002(a)(1). A school district shall  
21 comply with State Board of Education rules regarding administration  
22 of the assessment instruments to students enrolled in the courses  
23 for which the assessment instruments were adopted and shall adopt a  
24 policy that requires a student's performance on an assessment  
25 instrument for a course to account for at least 20 percent and not  
26 more than 40 percent of the student's final grade for the course  
27 [~~designed to be administered to students in grade 11 to assess~~

1 ~~essential knowledge and skills in mathematics, English language~~  
2 ~~arts, social studies, and science. The mathematics section must~~  
3 ~~include at least Algebra I and geometry with the aid of technology.~~  
4 ~~The English language arts section must include at least English III~~  
5 ~~and must include the assessment of essential knowledge and skills~~  
6 ~~in writing. The social studies section must include early American~~  
7 ~~and United States history. The science section must include at~~  
8 ~~least biology and integrated chemistry and physics. The assessment~~  
9 ~~instruments must be designed to assess a student's mastery of~~  
10 ~~minimum skills necessary for high school graduation and readiness~~  
11 ~~to enroll in an institution of higher education]. If a student is~~  
12 in a special education program under Subchapter A, Chapter 29, the  
13 student's admission, review, and dismissal committee shall  
14 determine whether any allowable modification is necessary in  
15 administering to the student an assessment instrument required  
16 under this subsection or whether the student should be exempted  
17 under Section 39.027(a)(2). The State Board of Education shall  
18 administer the assessment instruments. The State Board of  
19 Education shall adopt a schedule for the administration of  
20 end-of-course [~~secondary exit-level~~] assessment instruments. Each  
21 student who did not perform satisfactorily on any end-of-course  
22 [~~secondary exit-level~~] assessment instrument when initially tested  
23 shall be given multiple opportunities to retake that assessment  
24 instrument. [~~A student who performs at or above a level established~~  
25 ~~by the Texas Higher Education Coordinating Board on the secondary~~  
26 ~~exit-level assessment instruments is exempt from the requirements~~  
27 ~~of Section 51.306.~~]

1        (c-1) Notwithstanding Subsection (a), a student in grade  
2 eight who is enrolled in a secondary-level course for which an  
3 end-of-course assessment instrument has been adopted under  
4 Subsection (c) shall be administered the end-of-course assessment  
5 instrument for that course instead of the assessment instrument for  
6 the related subject area under Subsection (a).

7        SECTION 7. Section 39.025, Education Code, is amended to  
8 read as follows:

9        Sec. 39.025. SECONDARY-LEVEL [~~EXIT-LEVEL~~] PERFORMANCE  
10 REQUIRED. (a) The commissioner shall adopt rules requiring a  
11 student to receive, in each subject in the foundation curriculum  
12 under Section 28.002(a)(1), an average score of at least 70 on a  
13 scale of 100 on the end-of-course assessment instruments  
14 administered to the student under Section 39.023(c) in grades 9,  
15 10, and 11. For purposes of this subsection, a student's average  
16 score for each subject in the foundation curriculum is determined  
17 by averaging the student's highest score on each end-of-course  
18 assessment instrument administered to the student for a course  
19 considered a part of that subject, as determined by commissioner  
20 rule. A student may not receive a high school diploma until the  
21 student has performed satisfactorily on the end-of-course  
22 [secondary exit-level] assessment instruments in the manner  
23 provided under this subsection [~~for English language arts,~~  
24 ~~mathematics, social studies, and science administered under~~  
25 ~~Section 39.023(c)]. This subsection does not require a student to  
26 demonstrate readiness to enroll in an institution of higher  
27 education.~~

1 (b) Each time an end-of-course [~~a secondary exit-level~~]  
2 assessment instrument is administered, a student who has not been  
3 given a high school diploma because of a failure to perform  
4 satisfactorily on the assessment instrument [~~for that subject area~~]  
5 may retake the assessment instrument.

6 (c) A student who has been denied a high school diploma  
7 under this section [~~Subsections (a) and (b)~~] and who subsequently  
8 performs at the level necessary to comply with the requirements of  
9 this section [~~satisfactorily on each secondary exit-level~~  
10 ~~assessment instrument~~] shall be issued a high school diploma.

11 (d) Notwithstanding Subsection (a), the commissioner by  
12 rule shall adopt one or more alternative nationally recognized norm  
13 referenced assessment instruments under this section to administer  
14 to a student to qualify for a high school diploma if the student  
15 enrolls after January 1 of the school year in which the student is  
16 otherwise eligible to graduate:

17 (1) for the first time in a public school in this  
18 state; or

19 (2) after an absence of at least four years from any  
20 public school in this state.

21 (e) The commissioner shall establish a required performance  
22 level for an assessment instrument adopted under Subsection (d)  
23 that is at least as rigorous as the performance level required to be  
24 met under Subsection (a) [~~for the secondary exit-level assessment~~  
25 ~~instrument for the same subject~~].

26 (f) The commissioner shall by rule adopt a transition plan  
27 to implement the amendments made by \_\_.B. No. \_\_, Acts of the 80th

1 Legislature, Regular Session, 2007, to this section and Sections  
2 39.023 and 39.051. The rules must provide for the end-of-course  
3 assessment instruments adopted under Section 39.023(c) to be  
4 administered beginning with students entering the ninth grade  
5 during the 2008-2009 school year. During the period under which the  
6 transition to end-of-course assessment instruments is made:

7 (1) for students entering a grade above the ninth  
8 grade during the 2008-2009 school year, the commissioner shall  
9 retain, administer, and use for campus and district ratings under  
10 Subchapter D the assessment instruments required by Section  
11 39.023(a) or (c), as that section existed before amendment by \_\_\_B.  
12 No. \_\_\_, Acts of the 80th Legislature, Regular Session, 2007;

13 (2) as required by Section 39.023(c-1), a student  
14 enrolled at grade level eight during the 2008-2009 school year who  
15 enrolls in a secondary-level course for which an end-of-course  
16 assessment instrument has been adopted under Section 39.023(c) must  
17 be administered the end-of-course assessment instrument for that  
18 course instead of the assessment instrument for the related subject  
19 area under Section 39.023(a); and

20 (3) the agency may defer releasing assessment  
21 instrument questions and answer keys as required by Section  
22 39.023(e) to the extent necessary to develop additional assessment  
23 instruments.

24 (g) Rules adopted under Subsection (f) must require that  
25 each student who will be subject to the requirements of Subsection  
26 (a) is entitled to notice of the specific requirements applicable  
27 to the student. Notice under this subsection must be provided not

1 later than the date the student enters:

2 (1) the ninth grade; or

3 (2) in the case of an eighth grade student required to  
4 be administered an end-of-course assessment instrument under  
5 Section 39.023(c-1), the eighth grade.

6 (h) Subsections (f), (g), and this subsection expire  
7 September 1, 2012.

8 SECTION 8. Section 39.034(d), Education Code, is amended to  
9 read as follows:

10 (d) The agency shall determine the necessary annual  
11 improvement required each year for a student to be prepared to  
12 perform satisfactorily on [pass] the end-of-course assessment  
13 instruments [exit-level assessment instrument] required under this  
14 subchapter for graduation. The agency shall report the necessary  
15 annual improvement required to the district. Each year, the report  
16 must state whether the student fell below, met, or exceeded the  
17 necessary target for improvement.

18 SECTION 9. Section 39.051(b), Education Code, is amended to  
19 read as follows:

20 (b) Performance on the indicators adopted under this  
21 section shall be compared to state-established standards. The  
22 degree of change from one school year to the next in performance on  
23 each indicator adopted under this section shall also be considered.  
24 The indicators must be based on information that is disaggregated  
25 by race, ethnicity, gender, and socioeconomic status and must  
26 include:

27 (1) the results of assessment instruments required

1 under Sections 39.023(a), (c), (c-1), and (l), aggregated by grade  
2 level and subject area;

3 (2) dropout rates, including dropout rates and  
4 district completion rates for grade levels 9 through 12, computed  
5 in accordance with standards and definitions adopted by the  
6 National Center for Education Statistics of the United States  
7 Department of Education;

8 (3) high school graduation rates, computed in  
9 accordance with standards and definitions adopted in compliance  
10 with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110);

11 (4) student attendance rates;

12 (5) the percentage of graduating students who attain  
13 scores on the end-of-course [~~secondary exit-level~~] assessment  
14 instruments required under Subchapter B that are equivalent to a  
15 passing score on the assessment instrument required under Section  
16 51.3062;

17 (6) the percentage of graduating students who meet the  
18 course requirements established for the recommended high school  
19 program by State Board of Education rule;

20 (7) the results of the Scholastic Assessment Test  
21 (SAT), the American College Test (ACT), articulated postsecondary  
22 degree programs described by Section 61.852, and certified  
23 workforce training programs described by Chapter 311, Labor Code;

24 (8) the percentage of students, aggregated by grade  
25 level, provided accelerated instruction under Section 28.0211(c),  
26 the results of assessments administered under that section, the  
27 percentage of students promoted through the grade placement

1 committee process under Section 28.0211, the subject of the  
2 assessment instrument on which each student failed to perform  
3 satisfactorily, and the performance of those students in the school  
4 year following that promotion on the assessment instruments  
5 required under Section 39.023;

6 (9) for students who have failed to perform  
7 satisfactorily on an assessment instrument required under Section  
8 39.023(a) or (c), the numerical progress of those students grouped  
9 by percentage on subsequent assessment instruments required under  
10 those sections, aggregated by grade level and subject area;

11 (10) the percentage of students exempted, by exemption  
12 category, from the assessment program generally applicable under  
13 this chapter;

14 (11) the percentage of students of limited English  
15 proficiency exempted from the administration of an assessment  
16 instrument under Sections 39.027(a)(3) and (4);

17 (12) the percentage of students in a special education  
18 program under Subchapter A, Chapter 29, assessed through assessment  
19 instruments developed or adopted under Section 39.023(b);

20 (13) the measure of progress toward preparation for  
21 postsecondary success; and

22 (14) the measure of progress toward dual language  
23 proficiency under Section 39.034(b), for students of limited  
24 English proficiency, as defined by Section 29.052.

25 SECTION 10. Section 51.3062(q), Education Code, is amended  
26 to read as follows:

27 (q) A student who has achieved scores [~~a score~~] set by the

1 board on end-of-course assessment instruments [~~an exit-level~~  
2 ~~assessment instrument~~] required under Section 39.023 is exempt from  
3 the requirements of this section. The exemption is effective for  
4 the three-year period following the date a student takes the last  
5 assessment instrument required for purposes of this section and  
6 achieves the standard set by the board. This subsection does not  
7 apply during any period for which the board designates the  
8 end-of-course assessment instruments [~~exit-level assessment~~  
9 ~~instrument~~] required under Section 39.023 as the primary assessment  
10 instrument under this section, except that the three-year period  
11 described by this subsection remains in effect for students who  
12 qualify for an exemption under this subsection [~~section~~] before  
13 that period.

14 SECTION 11. Section 39.023(j), Education Code, is repealed.

15 SECTION 12. A reference in the Education Code to an  
16 end-of-course assessment instrument administered under Section  
17 39.023(c), Education Code, includes an exit-level assessment  
18 instrument administered under that section as provided by Section  
19 39.025(f), Education Code, as added by this Act.

20 SECTION 13. This Act takes effect September 1, 2007.